

Truro Board of Selectmen
Meeting Minutes – April 8, 2014
Truro Town Hall, 5:00pm

Members Present: Jay Coburn-Chair, Breon Dunigan-Vice Chair, Jan Worthington-Clerk, Robert Weinstein, and Paul Wisotzky

Others Present: Acting Town Administrator Charleen Greenhalgh

Chair Jay Coburn called the meeting to order at 5:00 p.m.

Review and approval of Minutes- March 18 , 2014 ¹

Coburn requested amendments to the March 18, 2014 Minutes.

Weinstein moved to accept the Minutes of March 18th , 2014 as corrected. Wisotzky seconded the motion. So voted unanimously 5-0.

Review and approval of Minutes- March 20, 2014 ²

Wisotzky moved to accept the Meeting Minutes of March 20th , 2014 as printed. Weinstein seconded the motion. So voted unanimously 5-0.

Review and approval of Minutes- March 25 , 2014 ³

Wisotzky moved to approve the March 25th , 2014 as printed. Weinstein seconded the motion. So voted unanimously 4-0-1. Worthington abstain.

Review and approval of Minutes- March 18 , 2014 ⁴ Executive Session

Wisotzky moved to approve the Executive Session Meeting Minutes of March 18th , 2014 and Hold. Worthington seconded the motion. So voted unanimously 5-0.

Review and approval of Minutes- March 20 , 2014 ⁵ Executive Session

Wisotzky moved to approve the Executive Session Meeting Minutes of March 20th , 2014 and Hold. Dunigan seconded the motion. So voted unanimously 5-0.

Public Comment Period

Bob Masson, Chair of the Cemetery Commission spoke of the Massachusetts Bureau of Funeral Directors commenting that of the 351 cities and towns in Massachusetts, Truro has the most cemetery information on the internet.

Public Hearing Proposed Amendments to Aquaculture Regulations⁶

Coburn read the Public Hearing Notice into the record. Scott Lindell, Chair, of the Shellfish Advisory Committee spoke to the changes for each item (*General: #1, and #4; Application: #5, #6,#9, #10, and #11; Requirements: #13, #14, #15, #19, #20, #21, #22, #23 and #25*). Worthington thanked the Shellfish Advisory Committee for all their hardwork. Coburn questioned if Sections 22 and 23 met the Department of Marine Fisheries concerns with these amendments. Mr. Lindell responded that the DMF wants to see the suggested items as proposed in 22 and 23 work before more licenses are issued but was confident that the stipulations proposed by DMF would protect the whales and the turtles.

Worthington moved to approve the amendments to the Regulations for the Aquaculture Licenses. Weinstein seconded the motion. So voted unanimously 5-0.

Proposed Changes to License Fees and Shellfish Regulations

Tony Jackett, Shellfish Warden, spoke of increasing the Shellfish License fees⁷ and requiring that licenses be displayed more visibly. Mr. Jackett spoke of the need to raise the age limit for the lifetime licenses as well as renewing them annually with a residency requirement. Coburn reported that it was recommended to have residential Shellfish licenses increase from \$10 to \$20, nonresident license from \$50 to \$100, and lifetime licenses would have a new fee of \$10 on an annual renewal for ages 65 and older. Weinstein thanked the Committee for their work and felt that the proposed fee increases were a reasonable request. Mr. Jackett also proposed that the licenses run with the Shellfish season starting in October as opposed to the calendar year. Worthington discussed the idea of a visible hooked on license.

Application to Serve- Town Administrator Search Committee

Coburn listed the name of the applicants:⁸, William Golden, Lori Meads, Deborah McCutcheon, Kevin Grunwald, Robert Masson, Gary Palmer, Henry Janowsky, and Rebecca Bruyn. Weinstein asked that the applicants identify themselves. Wisotzky asked about the applicants availability for meetings. Ms. McCutcheon declined an appointment due to the number of applicants unless someone decides to drop out at a later date. The majority were available for evening meetings. Coburn stated that the Consultant would be available evenings. Coburn added that the Board of Selectmen have asked that recommendations be brought forth in July. There is a meeting schedule next Tuesday with the Consultant to go over the process. Coburn added that the Consultant working with the Search Committee would process the initial round of applicants. Dunigan spoke to the pool of qualified applicants as well as former Selectmen being involved and encouraged Ms. McCutcheon not to drop out of the Committee. Weinstein thanked the applicants for giving their time for an important task.

Wisotzky moved to approve to the Town Administrator Search Committee (William Golden, Lori Meads, Kevin Grunwald, Robert Masson, Gary Palmer, Henry Janowsky, and Rebecca Bruyn).

Ms. Greenhagh suggested that the Tuesday (4/15) meeting include extending the membership to 8 members per the Charge. **Weinstein seconded the motion. So voted unanimously 5-0.**

Continuation of Public Hearing New Common Victualer Salty Market

Coburn stated that there was a continued public hearing⁹ before them for a new Common Victualer license. Mr. Althaus stated that they (owners of Salty Market, 2 Highland Rd) received a Conditional Certificate of Occupancy from the Building Department. He listed the three conditions: guardrails on front steps being brought in tighter to 4 inches apart, stairs to the second floor, and signage for the restroom on the Certificate of Occupancy and that they are working on remedying all of them. Chief Davis spoke of the inspections that he had done at Salty Market. Mr. Althaus explained that there is another continued Hearing with the Board of Health but they hope to open soon after that meeting. Ms. Greenhalgh recommended that if the Common Victualer license were to be approved that it be held until such time as a Certificate of Occupancy is issued without conditions. **Ms. Greenhalgh suggested a motion to approve the Common Victualer License and hold until the two conditions (guardrails and signage) are completed. Worthington so moved. Wisotzky seconded the motion. So voted unanimously 5-0.**

Chair Coburn recused himself from the next three Agenda items.

Request to Use Town Property –Housing with Love Walk¹⁰

Barbara Wood, member of the Board of Community Development Partnership, requested permission to use Town property at Snow's Field (22nd year) for the Housing with Love Walk. It was explained that the fee incorporates the new policy allowing a reduction with proof of 501c3 status for the amount of

\$25.00 for the use of Town property. **Wisotzky moved to approve the request to use Town property for the Housing with Love Walk July 14, 2014. Worthington seconded the motion. So voted unanimously 4-0.**

Review and Approve and Authorize Vice-Chair to Sign Waste Disposal Contract¹¹

Ms. Greenhalgh confirmed that Town Counsel has reviewed the contract. Weinstein commented that he had a number of questions about the contract that he would like to review them with Town Counsel. He noted Exhibit A regarding the Transportation option (\$19.00 per ton) and whether that was included. Dan Balboni of New Bedford Waste responded that was an option for Truro. Weinstein noted page 1, under *Customer Warranties, defined below in Section 6, "unacceptable solid waste"* and reference to 310CMR 19.000 that he would like to see as an amendment to the agreement for reference. Weinstein noted page 2, *Term of Agreement*, if either party were to give 90 days notice (the contract can be terminated); "provided however, that the terms and conditions of this Agreement shall remain in full force and effect, in accordance with its terms with respect to any uncompleted or unfinished service" and whether that means that the party is obligated to provide those services for the 5 year period. Michael Camara, of New Bedford Waste responded that they would be locked in for the term of the agreement (5 years).

Weinstein cited *Inspection, and Rejection of Waste*, and read "if subsequent analysis of Solid Waste demonstrates that such Solid Waste is Unacceptable Solid Waste produced by the Customer prior to commingling with Solid Waste generated by any other source not the Customer, regardless of whether NBWS has previously accepted the relevant Solid Waste as Acceptable Solid Waste, NBWS shall notify Customer and Customer shall promptly remove such rejected Unacceptable Solid Waste from the site". Weinstein stated that once something is *accepted* it should be deemed *acceptable* and he would like that changed in the contract. Under *Special Handling of Unacceptable Solid Wastes*, "Customer shall pay additional fees associated with the delivery of Unacceptable Solid Waste" he would like revisited with Town Counsel. Under *NBWS Warranties*, "the obligation of NBWS to accept Customer's Acceptable Solid Waste at the Facility is unconditional and shall not be dependent on the ability of NBWS to secure the necessary permits and approvals for or to construct the Advanced Recycling facility...", he questioned the requisite permitting. Mr. Camara responded that they are fully permitted and under construction and expect to be fully operational around October or November.

Weinstein read under *Change of Law Costs*, "means the increased annual operating and capital costs and expenses (but shall not include decreases in revenue) actually paid or incurred by NBWS, including the establishment of adequate reserves required to meet obligations due from any and all Change in Law and the reasonable fees and expenses of legal counsel and consultants retained in connection with the evaluation, challenge, mitigation, response and/or compliance with a Change of Law and/or resulting from such Change in Law during such period," adding the municipality is responsible according to this language and has to pay for any legal expenses regarding Change in Law. Mr. Camara stated that this was added to the contract. Weinstein asked that this section be removed. Under Section 22, *Surcharge for Change in Law Costs*, "NBWS will use reasonable efforts to notify Customer of Change in Law costs as soon as possible; provided, however that any delay or failure by NBWS in delivering said notice shall not affect Customer's obligations to pay such Change in Law Costs" he asked that this too be removed.

Under Section 23, *Change in Law Cost Audit*, Weinstein stated that in the event that there are changes in the law, he would like it to read instead of the "Customer for a period of 60 days after a NBWS notice" would like it extended to 90 days for future complicated issues. Weinstein thanked the NBWS

representatives for their time addressing his concerns. Wisotzky asked that this be reviewed and brought back to a future meeting as soon as possible since there other items pressing before the Board of Selectmen. Ms, Greenhalgh suggested that Weinstein deal directly with Town Counsel on these items.

Review and Approve and Authorize Vice-Chair to Sign Contract Extension for FY12 CDBG¹²
Dunigan asked for a motion to approve and authorize the Vice-Chair to sign. Wisotzky so moved. Weinstein seconded the motion. So voted unanimously 4-0.

Review and Approve & Authorize Chair to sign Contract for Library Event and Outreach Coordinator¹³

Dunigan recused herself from the discussion of this Agenda item.

Ms. Greenhalgh explained that the Board of Selectmen gave their consensus at the last meeting to allow the contract to go forward so the Coordinator could begin work. **Wisotzky moved to approve and authorize the Chair to sign. Worthington seconded the motion. So voted unanimously 4-0.**

Review and Approve Letter of Support Modification for Small Business Tax Exemptions¹⁴

Coburn stated that there have been some changes in the small business tax exempt statutes. Truro currently does not differentiate between residences and businesses in tax rates but instead Truro has one tax rate. He supported signing onto the town of Dartmouth's request. **Wisotzky moved to approve the letter of support for the modification for small business tax exemptions. Worthington seconded the motion. So voted unanimously 5-0.**

Review and Approve & Authorize Chair to sign 2014 Municipal Competitive Electric Supply Agreement¹⁵

Ms. Greenhalgh explained that this is an approval for the Cape Light Compact annual competitive bid for electricity with a standard contract before the Board of Selectmen for approval. **Wisotzky moved to approve the 2014 Municipal Competitive Electrical Supply Agreement and authorize the Chair to sign. Weinstein seconded the motion. So voted unanimously 5-0.**

Review, Approve & Authorize Chair to sign Change Order for Annese Electrical Services Inc¹⁶.

Ms. Greenhalgh explained that there is additional work that needs to be completed to do the necessary upgrade regarding the AT&T panel. **Weinstein made a motion to approve and authorize the Chair to sign the Change Order (#2) for Annese Electrical Services Inc. Dunigan seconded the motion. So voted unanimously 5-0.**

TFRAC Follow Up Items

Process for hiring Executive Officer

Review Duties/ Job Description for Interim Chief and Executive Consultant

Discuss and Develop Communication and reporting protocol for Interim Chief

Wisotzky spoke of the process for hiring an Executive Officer in which Dunigan, and Bob Panessiti and himself have been in conversation with the people at Municipal Resources in order for them to provide the Executive Officer. There are issues related to procurement that need to be resolved before a proposal is brought forth to the Board of Selectmen. There was a meeting with Interim Chief Davis to parse out the role of the Executive Officer as it relates to job responsibilities of the Interim Chief.

Dunigan spoke of the change that will be implemented. Wisotzky spoke of the reporting of the Interim Fire Chief to the Board of Selectmen, commenting that it was determined to maintain the quarterly reporting at this point. These items will be brought back in a couple of weeks for further discussion.

Revote of Annual Town Meeting Articles¹⁷

Article 4: Amendments to the FY2014 Operating Budget

Wisotzky moved to recommend. Weinstein seconded the motion. So voted unanimously 5-0.

Article 5: FY2015 Omnibus Budget Appropriation

Weinstein moved to recommend. Dunigan seconded the motion. So voted unanimously 5-0.

Article 9: Community Preservation Act Sections 1-4

Section 1 Friends of Truro Recreation/Recreation Commission

Wisotzky moved to recommend. Dunigan seconded the motion.

Members of the Recreation Commission came before the Board of Selectmen. Worthington felt that this Article should go before the town's people for a vote but she was not in favor due to growing cost of infrastructure for the Town, nor did she want to see Snow's Field changed in anyway. She felt that perhaps she would be in favor of the walkway if the Article were in two parts separating out the Tennis Courts.

Ms. Townsend, Chair, responded that the walkway would not interfere with the use of the baseball field. She added that Phase I of the Tennis Courts would be to hire an engineer (\$12K) who would see where the Tennis Courts could be placed in town. She added that there will be public hearings and meetings with CPC approval and assistance. The public hearings will allow for public debate from neighboring properties. Bob Panessiti, Chair of the Finance Committee, shared the sentiments regarding clarity of the Article and the longterm impact on the Town. He added that he was willing to have any documentation sent to him that he would share with members of the Finance Committee as to whether they were on point or not at Town Meeting.

Ms. Townsend cited the playground that was built in 2008 has needed less than \$500 to upkeep, due to community volunteers and they foresee no additional maintenance costs to the Town. Dunigan spoke to the Feasibility Study coming back and stating that the Tennis Courts might not be able to be built anywhere in Truro but it was the CPC that recommended that the projects be placed together on the one Article. Weinstein stated his concern about the community's escalating budget. He reiterated Town Counsel's opinion on the whether the CPC funds are being used per the statute for construction. He felt that a modest request for the engineering consultant would have been a better avenue to approach this request. Ms. Townsend explained the current use for Snow's Field. Ms. Greenhalgh recommended that the language of the Article be amended at Town Meeting for the \$12K but it needs to be discussed with CPC and any change in the motion come before Town Meeting. Mr. Panessiti suggested that funds start with items that people are agreeable to first, such as surveys, then provided everything moves forward the Recreation Commission can look to encumber those remaining funds.

Coburn suggested that there still be a vote after the engineer results are done with resulting location for the Tennis Courts. Wisotzky stated that he understood that CPC was overseeing this process and CPC was not going to release the funds until CPC authorized it; he added that he trusts the CPC process and stated concern over amending the Article at Town meeting. Coburn asked if the Board of Selectmen were ready to vote despite the CPC possibly coming back with a revised motion. So voted 2-3-0 not in favor.

Section 2 Friends of the Truro Meeting House/Preservation of the 1827 Congregational Meeting House Phase (III)

Wisotzky moved to recommend. Weinstein seconded the motion. So voted unanimously 4-0-1. Dunigan abstained.

Section 3 Reserve for Affordable Housing

Wisotzky moved to recommend. Dunigan seconded the motion. So voted unanimously 5-0.

Article 14 Transfer Funds from Capital Improvement Trust

Section One Airconditioned Gynasium at Truro Central School

Dunigan moved to recommend. Wisotzky seconded the motion. So voted unanimously 5-0.

Section Two Generator for the Truro Public Library

Wisotzky moved to recommend. Weinstein seconded the motion. So voted unanimously 5-0.

Article 22: To amend the Personnel by-law to combine Harbormaster and Shellfish Warden positions

Weinstein moved to recommend. Dunigan seconded the motion. So voted unanimously 5-0.

Article 24: To amend the Personnel by-law to add Inspector of Buildings/Building Commissioner

Wisotzky moved to recommend. Dunigan seconded the motion. So voted 4-1. Weinstein opposed.

Article 25: Amend §30.2 Use Table to include Habitable Studio & Working Studio

Wisotzky moved to recommend. Dunigan seconded the motion. So voted unanimously 5-0.

Article 26: Amend §2 and §11 of Truro Sign Code

Wisotzky moved to recommend. Weinstein seconded the motion. So voted unanimously 5-0.

Article 27: Amend §70 Site Plan Review by Deleting in its entirety and replacing it with new language

Wisotzky moved to recommend. Dunigan seconded the motion. So voted unanimously 5-0.

Article 28: Amend §30.5 Flood Plain District – Adoption of New FEMA Flood Maps

Wisotzky moved to recommend. Weinstein seconded the motion. So voted unanimously 5-0.

Article 29: Amend §90.5B Flood Plain District- Adoption of New FEMA Flood Maps

Worthington moved to recommend. Dunigan seconded the motion. So voted unanimously 5-0.

Article 30: Amend §10.4 by adding new definitions and §30.2 use table –by adding uses to the table

Weinstein moved to recommend. Dunigan seconded the motion. So voted unanimously 5-0.

Selectmen Reports and Liaison Reports

Weinstein- He attended the Board of Health Meeting in which Salty Market owners are moving forward with the Board of Health requirements. There are many businesses renewing licenses this time of year. There was a good discussion with the Board of Health regarding a local business that does not always comply with license regulations. He commended the Board of Health for the care they took to exercise their authority with respect to this licensee.

Wisotzky- He reported that there will be a 40th anniversary celebration of the Council on Aging, on Sunday May 4th at the Truro Community Center, RSVP is required.

Dunigan- Nothing to report.

Worthington- Nothing to report.

Coburn- The Cape Cod Selectmen's Association will meet Friday, April 11th at PB Bistro & Boullangerie in Wellfleet.

Next Meeting Agenda: April 22nd, 2014

Application to serve- Beach Commission; Public Hearing for Distiller Pouring License fee; Helping Our Women-Use of Town Property; Housing Authority-request funds for Consultant and for Feasibility study for Town owned property; LCTV Contract; Closing of Staging Permits; Water Hook-up Application; Motions for ATM; Item from TFRAC; May 7th Goals and Objectives; and Waste Disposal Contract.

Acting Town Administrator's Report¹⁸

Ms. Greenhlagh reported that 10 employees took the CPR certification class listing their names and thanked staff for assisting with the Warrant.

Coburn asked for a motion to adjourn. Weinstein so moved. Worthington seconded the motion. So voted unanimously 4-0. The meeting was adjourned at 6:56 p.m.

Respectfully submitted, Nicole Tudor, Board of Selectmen Secretary

Jay Coburn, Chairman

Breon N. Dunigan, Vice-Chairman

Janet W. Worthington, Clerk

Robert Weinstein

Paul Wisotzky
Board of Selectmen
Town of Truro

¹ Board of Selectmen meeting March 18, 2014 Meeting Minutes

² Board of Selectmen meeting March 20, 2014 Meeting Minutes

³ Board of Selectmen meeting March 25, 2014 Meeting Minutes

⁴ Board of Selectmen meeting March 18, 2014 Executive Session Meeting Minutes

⁵ Board of Selectmen meeting March 20, 2014 Executive Session Meeting Minutes

⁶ Proposed Truro Aquaculture License Regulations April 8, 2014

⁷ Shellfish Advisory Committee Meeting Minutes of January 23, 2014

⁸ Town Administrator Search Committee Applications to Serve and TASC Charge

⁹ Public Hearing New Common Victualer Salty's Market information from March 25, 2014

¹⁰ Use of Town property application – Housing with Love Benefit (CDP)

¹¹ New Bedford Waste Disposal Contract

¹² CDBG FY12 Contract Extension

¹³ Employment Agreement for Library Event & Outreach Coordinator

¹⁴ Town of Dartmouth MA letter of support for modification for small business tax exemptions.

¹⁵ 2014 Municipal Competitive Electric Supply Agreement

¹⁶ Change Order (#2) for Annese Electrical Services Inc

¹⁷ List of Articles for ATM 2014 to be revoted for a full Board Quorum

¹⁸ Acting Town Administrator's report –March 25, 2014